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ABSTRACT

December 10, 1988, marks the 40th anniversary of the adoption by the United Nations of the Universal Declaration of Human Rights. The Declaration represents the first comprehensive, global statement on basic human rights, embracing many of the values long held by U.S. citizens; and it urges all peoples and all nations to promote respect for the rights it proclaims and to strive for their universal and effective recognition and observance. The lessons of World War II demonstrated that governments which deny basic human rights to their own people are likely to use aggression to deny human rights to people of other countries. The United States has led the effort to expand observance of the Declaration's principles throughout the world. A history of the process leading to the Declaration, its implementation through the years, and the continuing effort to implement the Declaration are given. The Declaration itself is reproduced in the appendix. (PPB)

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United States Department of State
Bureau of Public Affairs
December 1988

40th Anniversary

UNIVERSAL DECLARATION OF HUMAN RIGHTS

SO 019893

40th Anniversary

UNIVERSAL DECLARATION OF HUMAN RIGHTS

The Universal Declaration After 40 Years

December 10, 1988, marks the 40th anniversary of the adoption by the United Nations of the Universal Declaration of Human Rights. The Declaration represents the first comprehensive, global statement on basic human rights, and it embraces many of the values long held by Americans. U.S. foreign policy is based on the concept that individual rights must be respected by government—an idea that the Universal Declaration seeks to promote worldwide.

The Declaration offers a common standard against which the United States and other nations, as well as organizations and individuals, can measure treatment of citizens. The first paragraph refers to the "equal and inalienable rights of all members of the human family." The grim lessons of World War II demonstrated that governments which deny basic human rights to their own people are likely to use aggression to deny human rights to people of other countries. Reflecting this belief, the Declaration's opening language directs itself to the "disregard and contempt for human rights" that resulted in "barbarous acts which have outraged the conscience of mankind." Similarly, then-Secretary of State George Marshall, in urging the UN General Assembly to adopt the Universal Declaration, said "systematic and deliberate denials of basic human rights lie at the root of most of our troubles."

The fundamental rights and freedoms found in the Universal Declaration, in effect, proposes limits on the powers of governments to compel or control the behavior of individual citizens. The Universal Declaration also lists social and economic "rights," such as the right to an education, the right to work at an occupation of one's own choosing, the right to own property, and the right to marry a person of one's choice. While recognizing the desirability of these norms, the United States feels they are dependent on and, indeed, arise from, satisfaction of the basic political, civil, and human rights of a truly free and democratic society.

The Universal Declaration contains many of the civil rights guaranteed in the first 10 amendments to the American Constitution. Its philosophical starting point is the same as that adopted by America's Founders who stated, as their first principle, that "all men are created equal." The Universal Declaration, however, also includes rights that are more applicable to today's international community—for example, the right to send and receive information from any source across international borders and the right to leave and return to the country of one's origin.

The premise that the fundamental human rights described in the Universal Declaration are applicable to everyone on earth regardless of the political or

economic system they enjoy is an integral part of the UN Charter. The Charter calls for "universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language or religion."

Early American Experience

U.S. experience clearly demonstrates that peaceful relations and a dynamic economy flourish in an environment where the rights of the individual are respected. An important principle espoused by America's Founders was the inescapable connection between democracy, freedom, and human rights. In declaring the independence of the United States, they stated that governments "deriving their just powers from the consent of the governed" are instituted among men for the purpose of securing and protecting man's inalienable rights. This same theme is as clear in U.S. human rights policy today as it was then. Current U.S. human rights policy centers around the belief that the best way to promote human rights in the long term is to encourage democracy throughout the world. As noted in the State Department's *Country Reports on Human Rights Practices* last year:

> It is in our national interest to promote democratic processes in order to help build a world environment more favorable to respect for human rights and hence, more conducive to stability and peace. We have developed, therefore, a dual policy, reactive in the sense that we continue to oppose specific human rights violations wherever they occur, but at the same time active in working over the long term to strengthen democracy.

This same belief is echoed in the Universal Declaration of Human Rights: Article 22 stipulates that "Everyone has the right to take part in the government of his country," and that "The will of the people shall be the basis of the authority of government. . . ."

Another important aspect of the early American experience was the conviction that the ideals of freedom, democracy, and human rights applied not just to Americans—but to the entire world. This belief in the universal nature of the American experience reflected a conviction held by many early Americans that—as a young society with a uniquely democratic political system and far removed from European power struggles—America was in a position to offer moral and spiritual leadership to the world.

The belief in the universal nature of the American experience was reflected in key documents associated with early American history. The concept of the protection of natural rights of individuals also permeates numerous State constitutions and the Bill of Rights of the U.S. Constitution. These documents offer perhaps the most vigorous and spirited defenses of the concepts of human dignity, democracy, and freedom. The universality of these documents was viewed as a nearly self-evident proposition, leading Thomas Jefferson to state in a 1787 letter to James Madison that "a Bill of Rights is what people are entitled to against every government on earth."

Multilateral Efforts

The Universal Declaration of Human Rights provides a modern version of Jefferson's "international Bill of Rights." Throughout the 40 years since adopting the Universal Declaration, the United States has led the effort to expand the observance of the Declaration's principles throughout the world. The U.S. Government participates actively in multilateral efforts such as the Inter-American Human Rights Commission of the Organization of American States and the Conference on Security and Cooperation in Europe, which has reaffirmed the universality of these standards.

But it is through the United Nations itself—in the Security Council, the General Assembly and its committees, and particularly in the UN Human Rights Commission (UNHRC)—that the United States has concentrated the major part of its multilateral efforts to achieve human rights improvement throughout the world.

In the Commission, the United States has initiated or supported numerous "thematic" issues. For example, in 1983, the United States, along with the Netherlands and Ireland, proposed that the UNHRC focus on a new agenda item entitled "Implementation of the Declaration of Elimination of All Forms of Intolerance and of Discrimination, Based on Religion or Belief." Later, in 1986, we were the lead sponsor of a resolution creating a "Special Rapporteur on Religious Intolerance" with the specific mandate of investigating incidents of religious intolerance globally, reporting on them to the Commission, and suggesting remedial measures. Similarly, the United States supported the appointment of Special Rapporteurs to investigate other practices which violate human rights, such as the use of torture or cruel or unusual punishment.

In addition to focusing on these "thematic" human rights issues, the U.S. Government also has pressed hard to ensure that international bodies such as the UN Human Rights Commission and the UN General Assembly address specific human rights problems in individual countries. Over the years, U.S. delegations to these organizations have introduced resolutions calling on governments to acknowledge and deal with human rights

violations and have strongly represented the need to uphold human rights everywhere.

Among the major breakthroughs of the last 8 years is the 1982 appointment of a Special Rapporteur on Poland and the extension of the mandate the following year. Resolutions naming similar Rapporteurs for Afghanistan and Iran also marked the increased willingness of the UN Human Rights Commission to tackle politically unpopular and difficult problems. Similar efforts also were authorized for Guatemala, Chile, and El Salvador, among others, although in Guatemala sufficient improvement later was achieved to allow conversion of the Special Rapporteur's mandate to that of an adviser on human rights-related matters. Similar progress is expected in El Salvador.

The United States also deals directly with the governments concerned. Efforts to encourage fulfillment of the human rights standards embodied in the Universal Declaration are a major part of the work of U.S. diplomats in foreign capitals. Each Embassy has at least one officer primarily responsible for following and reporting on developments in this area.

In comparing a government's human rights performance with the standards set by the Universal Declaration, the United States takes into account such factors as a government's attitude toward outside investigation of alleged human rights violations by international and nongovernmental organizations; evidence of discrimination based on race, sex, religion, language, and social status; and conditions of labor (the right to organize and bargain collectively, acceptable work conditions, etc.). General economic and political factors also weigh heavily in the equation, but the Universal Declaration remains the constant—the standard against which this overall judgment is cast.

In each country where it appears the human rights standards of the Universal Declaration are not being met, the U.S. Government seeks to verify the situation independently and to take action best designed to achieve some improvement. Often this takes the form of diplomatic exchanges with the government concerned, sometimes at the very highest level. Sometimes we engage in more formal exchanges, such as through bilateral human rights conferences. Members of Congress often are active participants in this process. But whether or not improvement seems possible, the United States will make its views known to the government concerned, publicly or privately, whenever it appears that the Universal Declaration is not being upheld.

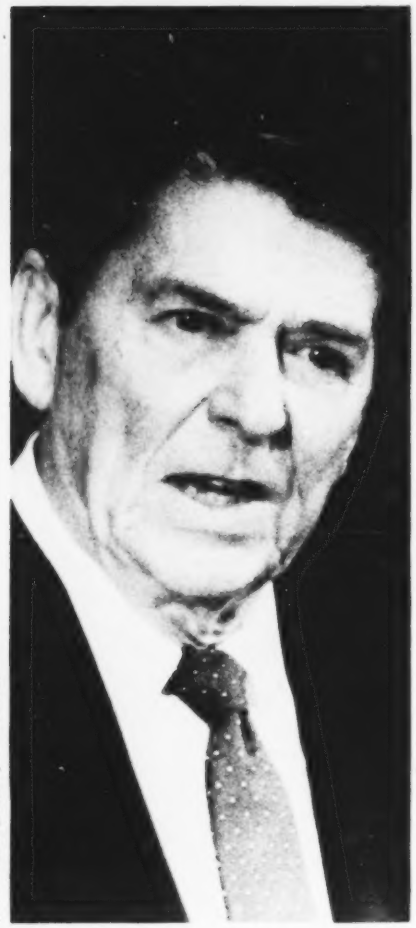
Eliminating Double Standards

Over the past 40 years, the Universal Declaration of Human Rights has set a clear and objective standard against which the international community can measure the human rights performance of any government. But there is still much to be achieved, both with respect to the situation in individual countries, as well as in regard to the international situation overall.

For example, the United States strongly believes it is crucial that the standards of the Universal Declaration be accepted by, and applied to, all UN members equally and fairly, without regard to the political or economic system they espouse. However, many nations today appear to subscribe to a double standard—harshly criticizing relatively minor human rights infractions in some countries, particularly those of the developed Western world, while ignoring more serious, consistent violations of human rights by self-styled progressive regimes or developing nations. Often the international community has tended to downplay massive abuses of the Universal Declaration's human rights standards, apparently on the theory that core civil liberties, the dignity of the individual, and respect for the law should somehow be less important than, for example, economic development.

The United States consistently seeks to underscore the importance of evenhanded application of the Declaration's "common standard" for all mankind. We have striven especially to eliminate a "double standard" in the treatment of human rights in international bodies, and especially the Human Rights Commission itself—often a difficult task. For example, we seek to persuade UNHRC to afford Chile the same treatment as other countries whose cases are under consideration. This would be consistent with the "common standard" declared for the international community's treatment of human rights problems worldwide.

While some countries have been charged with violations of human rights by the Commission, other countries, which are more serious offenders, have not been considered. For example, in 1987, the U.S. delegation tabled a resolution addressing the egregious human rights abuses in Cuba—a resolution which was ultimately turned down by one vote. Although the UNHCR did not act on the U.S. resolution on Cuba in 1988, it did decide to send a six-member UN investigating team to Cuba to assess human rights conditions there and report to the Commission at its 1989 session.



(White House photo by Pete Souza)

". . . Our public candor about human rights abuses and the fundamental moral differences between totalitarianism and democracy must continue. We must continue to speak aggressively for the cause of human freedom; we must be unafraid to point out the moral wrong of those who would repress liberty."

President Reagan
October 28, 1988

Another "double standard" also is apparent. Despite the fact that drafting and adoption of the Universal Declaration was one of the first acts undertaken by the newly formed United Nations, some member states seem to pay little more than lip service to its principles. In general, this is most true of those governments which claim the exclusive right to judge what is best for their citizens, rather than allowing the citizens to decide for themselves. They seek to impose their judgments—by coercion, if necessary—on their citizens. Constitutional guarantees of individual rights have little meaning when they are qualified by broad, vaguely worded prohibitions which, in effect, deny these rights whenever the government decides to do so. As Justice Oliver Wendell Holmes noted, such "standards" are so vague as to be "no standards at all."

Despite these problems the cause of human rights and individual freedom has advanced in the past 40 years. Because of the Universal Declaration—translated now into some 70 languages—the oppressed are more likely to be aware of their rights than they might have been 40 years ago. Given this universal acceptance, such violators can no longer claim that criticism of human rights violations is "interference in their internal affairs." And this broader knowledge and acceptance means that human rights offenders currently are less likely to employ tactics of oppression, due to severe public criticism.

As the Universal Declaration enters its 40th year, the world has come a long way in the effort to strengthen and broaden observance of universal human rights standards, extending their benefits to all individuals. Support for human rights has become a more important consideration for the foreign and domestic policies of most nations since the Universal Declaration was first signed. Freedom has spread more broadly as former colonies obtain their independence. In doing so, they, too, adopted the standards of the Universal Declaration and began the process of building political structures reflecting those principles. More recently, there has been much progress in the advancement of human rights and the rule of law in the Soviet Union and Eastern Europe, although in these countries, as in others, much remains to be done before the standards of the Universal Declaration are fully met.

As the United States continues to improve the human rights situation within its borders, there is no question that the pursuit of human rights remains an institutionalized and fundamental aspect of our foreign policy. It is an issue that will continue to attract tremendous public support and a high degree of bipartisanship. The United States is committed to promoting human rights worldwide, based on the principles upon which this nation was founded and as set forth for the entire community of man in the Universal Declaration of Human Rights.

The Road to the Universal Declaration

The United States and other Allied Powers during the Second World War proclaimed the protection of human rights as one of their most important war aims. After the cessation of hostilities, the United States, drawing on its own long experience in advancing the

rights of its citizens, played a leading role in the complex, painstaking, and meticulous process that led to formulation of the Universal Declaration of Human Rights and its adoption by the UN General Assembly on December 10, 1948.

August 14, 1941. President Franklin D. Roosevelt and British Prime Minister Winston Churchill signed the Atlantic Charter, a set of principles to guide the Allies in their struggle against the Axis Powers. The charter affirmed "the right of all peoples to choose the form of government under which they will live," and to "live out their lives in freedom from fear and want."

January 1, 1942. President Franklin D. Roosevelt, British Prime Minister Winston Churchill, and representatives of the Soviet Union and China signed a statement at a White House ceremony pledging their governments' full resources to the successful prosecution of the war against the Axis Powers. The four leaders affirmed the conviction of their governments that "complete victory over their enemies [was] essential to. . .preserve human rights and justice in their own lands as well as in other lands." The statement, issued as a "Declaration by the United Nations," constituted the first official use of the term "United Nations." Nearly two dozen other governments subsequently subscribed to the declaration.

June 26, 1945. Representatives of 50 nations meeting in San Francisco signed the Charter of the United Nations. The UN Charter proclaimed the promotion and preservation of human rights as one of the primary objectives of the United Nations and mandated the establishment of a Commission on Human Rights as a subsidiary of the UN Economic and Social Council. The United Nations formally came into existence on October 24, 1945, following ratification of its Charter by a majority of the signatory nations.

February 15, 1946. During its first session in London, the Economic and Social Council established a preliminary Human Rights Commission to prepare a report that would delineate the functions and scope of work of the projected Commission on Human Rights. The Council selected nine members who were to serve on the preliminary Commission as individuals rather than government representatives: Eleanor Roosevelt (United States), Rene Cassin (France), K.C. Neogi (India), Paal Borg (Norway), Alexander Borisov (U.S.S.R.), Dusan Brkish (Yugoslavia), Fernand Dehousse (Belgium), Victor Haya de la Torre (Peru), and C.L. Hsia (China).

April 29–May [illegible]16. The preliminary Huma[illegible]hts Commission met at Hu[illegible]llege in New York City for its first and only session. It submitted proposals to the Economic and Social Council on establishing the permanent Commission on Human Rights and recommended that the permanent Commission draft an international bill of human rights "as soon as possible."

June 21, 1946. The Economic and Social Council selected 18 UN member states to serve on the permanent Commission on Human Rights: Australia, Belgium, Belorussian S.S.R., Chile, China, Egypt, France, India, Iran, Lebanon, Panama, Philippines, Ukrainian S.S.R., U.S.S.R., United Kingdom, United States, Uruguay, and Yugoslavia. (Initial terms varied from 2 to 4 years; subsequently, members were elected for 3-year terms.)

(Department of State photo)

"Human rights are at the heart of our foreign policy because human rights are at the heart of our Constitution as a nation."

Secretary Shultz
February 12, 1988

The Genocide Convention

President Reagan's signature on legislation providing legal enforcement under U.S. law for the provisions of the Convention on the Prevention and Punishment of the Crime of Genocide completes more than four decades of U.S. consideration of the diverse legal implications of this major act.

Following the Second World War, the United States and other members of the new United Nations were determined to prevent a repetition of Nazi Germany's deliberate and systematic attempt to annihilate the Jewish people. On December 11, 1946, the UN General Assembly unanimously passed a resolution declaring genocide to be a crime under international law. The U.S. delegation to the United Nations took an early, active, and leading role in subsequent UN efforts to draft a legally binding convention outlawing genocide and worked to make it one of the first focuses of UN human rights action.

On December 9, 1948, the General Assembly unanimously adopted the Convention on the Prevention and Punishment of the Crime of Genocide. The convention proclaimed genocide, whether committed in time of peace or in time of war, to be a crime under international law that the contracting parties were to pledge to prevent and punish. The convention defines genocide as acts intended to destroy, in whole or in part, a national, ethnical, racial, or religious group. This includes:

- Killing members of the group;
- Causing serious bodily or mental harm to members of the group;
- Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
- Imposing measures intended to prevent births within the group; and
- Forcibly transferring children of the group to another group.

The convention provides for the punishment, either by the state in which the act was committed or by an international penal tribunal, of persons committing genocide, be they constitutionally responsible rulers, public officials, or private individuals. Ratifying parties agree to enact the necessary legislation to give effect to the convention's provisions.

On December 11, 1948, the representatives of 20 nations, including the United States, signed the convention, which entered into force on January 12, 1951. President Truman transmitted the Genocide Convention to the U.S. Senate for its advice and consent to ratification on June 16, 1949, but no action was taken. Presidents Kennedy, Johnson, Nixon, Ford, and Carter each in turn urged the Senate to give its consent to ratification of the convention.

On September 5, 1984, the White House announced that the Reagan Administration had completed its review of the Genocide Convention and supported its ratificaton. The following day, President Reagan affirmed that his Administration would "vigorously support, consistent with the U.S. Constitution, the ratification of the Genocide Convention," and intended to use the convention in its "efforts to expand human freedom and fight human rights abuses around the world." Following its own careful process of consideration, on February 19, 1986, the U.S. Senate voted 83 to 11 to give its advice and consent to ratification of the convention. Following adoption by Congress in October 1988 of the Genocide Convention Implementation Act, President Reagan on November 4, 1988, signed into law the implementing legislation thereby completing the U.S. ratification process.

December 11, 1946. The UN General Assembly referred a draft declaration on fundamental human rights and freedoms, submitted by Panama, to the Economic and Social Council for reference to the Commission on Human Rights. This was the first of a number of draft declarations, conventions, and other proposals relating to human rights submitted by individual countries. A Division of Human Rights in the Secretariat of the United Nations began gathering materials relevant to the work of the Human Rights Commission. The division also undertook additional research and prepared documentation for the use of the Human Rights Commission. These materials incorporated the work of scholars and statesmen worldwide and formed an appropriate basis for the Commission's decisions.

January 27–February 10, 1947. The Commission on Human Rights, during its first plenary session at Lake Success, New York, elected Eleanor Roosevelt as chairman, P.C. Chang of China as vice chairman, and Charles Malik of Lebanon as rapporteur. The central substantive concern of the Commission was the proposed bill of human rights. During the first months, members of the Commission frequently debated the philosophical basis of human rights. Chang spoke of the teachings of Confucius, while Malik cited the works of Thomas Aquinas.

The basic differences that arose, however, concerned the relationship of the individual to the state. Points of view ranged from the unrestricted assertion of individual freedom to the supremacy of the collective rights of society as a whole. The ideological debate did not completely divide along communist-noncommunist lines. Several representatives of democratic governments urged that more attention be paid to the assertion of economic and social rights.

As a result of this discussion, the Commission selected a drafting committee, composed of Roosevelt, Chang, and Malik, and directed it to consult with Commission members and other experts and prepare a preliminary draft international bill of human rights. The drafting committee was to consider the inclusion of a range of civil and political, as well as economic and social rights. These included certain civil rights, such as the right to freedom of religion, opinion, speech, information, assembly and association, and to safeguards for persons accused of crime; such social and economic rights as the right of security, the right to employment,

education, food, medical care, and the right to property; and such political rights as the right to citizenship, the right of citizens to participate in the government, and the right to equality without distinction. Members of the Commission also expressed the view that the bill should take into account the constitutions of member states, be acceptable to all UN members, and that it be short, and simple to understand.

March 24, 1947. In response to objections by the Soviet Union that the proposed drafting committee was too small and had no European member, Mrs. Roosevelt informed the UN Economic and Social Council that she was appointing a larger drafting committee composed of eight members of the Commission: the United States, the United Kingdom, the Soviet Union, France, Lebanon, China, Australia, and Chile. On March 28, the Council noted with approval Mrs. Roosevelt's decision and asked the UN Secretariat to prepare a "documented outline" to be used as the basis for a preliminary draft of an international bill of rights by the committee.

June 9–25, 1947. The drafting committee held its first session at Lake Success. Its discussions were based on a 400-page draft "outline" containing 48 short articles with annotations to constitutions of member states, prepared by John Humphrey of Canada, Director of the UN Secretariat's Division of Human Rights. The committee also took into consideration a draft covenant on human rights proposed by the United Kingdom, as well as several specific language changes to the draft outline submitted by the United States.

Eleanor Roosevelt

[UN photo]

Eleanor Roosevelt was a member of the U.S. delegation to the United Nations from 1946 to 1952 and a special adviser to the U.S. delegation to the General Assembly in 1961. She played a leading role in establishing the UN Commission on Human Rights and served as U.S. representative from 1946–50.

Mrs. Roosevelt was chosen as the Commission's first chairman by acclamation and headed the subcommittee that prepared preliminary drafts of an international bill of human rights. On December 10, 1948, she cast the U.S. vote for the Universal Declaration of Human Rights. After its adoption, the Assembly gave her a standing ovation.

In 1962, President John Kennedy nominated Mrs. Roosevelt for the Nobel Peace Prize for her work in connection with the Declaration. After her death later that year, the General Assembly paid tribute to her in a special meeting during which delegates from around the world mourned her passing and expressed gratitude for her years of dedicated and selfless leadership at the United Nations. She posthumously was awarded the first UN human rights prize.

During the discussion, U.S. and other representatives of democratic governments emphasized the importance of political and civil liberties as embodied in the U.S. Bill of Rights and the French Declaration of the Rights of Man and of the Citizen. Representatives of communist countries rejected these "bourgeois" thoughts as obsolete, insisted that social principles have priority, and strongly objected to the inclusion and wording of such rights as freedom of expression and of the press. Members of the drafting committee also diverged on the question of whether the bill of rights should be a declaration approved by the General Assembly that would only have the legal force of a recommendation or a multilateral convention binding in international law on all states ratifying

The United States Recommends Adoption

"Systematic and deliberate denials of basic human rights lie at the root of most of our troubles and threaten the work of the United Nations. . . . Governments which systematically disregard the rights of their own people are not likely to respect the rights of other nations and other people and are likely to seek their objectives by coercion and force in the international field. . . . [Let] the General Assembly approve by an overwhelming majority the Declaration of Human Rights as a standard of conduct for all; and let us, as Members of the United Nations, conscious of our own shortcomings and imperfections, join our effort in good faith to live up to this high standard."

Secretary of State George C. Marshall before the opening session of the UN General Assembly in Paris, September 23, 1948

it. Consequently, the drafting committee decided to prepare two separate documents—a declaration or manifesto outlining general principles and providing a common standard of achievement, and a working paper containing suggestions for the content of one or more conventions.

Rene Cassin, who would receive the Nobel Peace Prize in 1968 for his work in promoting international human rights, was then chosen to prepare a preliminary draft declaration for the committee based on the Secretariat outline. After Professor Cassin's initial draft was revised by a temporary working group (United States, United Kingdom, France, and Lebanon), it was considered in detail by the full drafting committee before submission to the UN Human Rights Commission. The drafting committee also decided to present to the Commission suggestions for a convention that expanded upon articles from the U.K. draft convention.

October 31, 1947. The U.S. Department of State held a conference attended by representatives of approximately 150 nongovernmental organizations to discuss a U.S. proposal for a declaration of human rights. The U.S. proposal had been developed by an interdepartmental committee that included representatives from the Departments of State, Justice, Labor, and Interior, and the Federal Security Agency (which dealt with health, education, and social and economic security). The U.S. proposal was later revised in light of comments made at the conference and submitted by Mrs. Roosevelt to the second session of the UN Human Rights Commission in December 1947.

December 2–17, 1947. The second session of the UN Human Rights Commission, meeting in Geneva, Switzerland, addressed as the first order of business the question of whether priority should be given to the preparation of a declaration of human rights, a human rights covenant, or measures of implementation. The Commission decided that the drafting committee should pursue all three areas, to be included in an international bill of rights. The Commission also revised the working papers submitted by the drafting committee into preliminary drafts of an international declaration on human rights and an international covenant on human rights. In January 1948, the Commission forwarded these drafts to UN members for comment.

May 3–21, 1948. After considering comments received from 13 UN member states, the second session of the drafting committee, meeting at Lake Success, revised the international declaration and the international covenant and submitted the new drafts to the Commission on Human Rights.

May 24–June 18, 1948. Returning to Lake Success, the third session of the Commission on Human Rights revised the draft declaration but did not have time to consider the draft covenant. Mrs. Roosevelt urged, as she had throughout the entire process, that priority be given to the Declaration as "the world was waiting for the Commission on Human Rights to do something." Progress in the field of human rights would be long delayed, she argued, if the world must await the laborious process of negotiating the technical language of a treaty and then defer its being brought into force until individual countries had completed their lengthy processes of ratification. On June 18, 12 members of the Commission voted in favor of a revised, 28-article draft international declaration on human rights. (There were no negative votes, although the Soviet Union, Belorussian S.S.R., Ukrainian S.S.R., and Yugoslavia abstained and the Soviet representative submitted a minority report calling the draft "weak and completely unacceptable.") The Commission then submitted the draft declaration to the Economic and Social Council for approval.

August 1948. The majority view on the Economic and Social Council was that adoption of the international declaration on human rights would mark an important step toward affirming human rights and that this step should be taken without waiting for agreement on an international covenant. On August 26, the Council decided to transmit the draft declaration to the UN General Assembly.

September 24, 1948. The General Assembly referred the draft international declaration on human rights to Committee III (Social, Humanitarian, and Cultural).

September 30–December 7, 1948. Committee III held a total of 81 meetings on the International Declaration on Human Rights. Charles Malik of Lebanon, who had been rapporteur of the Human Rights Commission while the declaration was being drafted, served as chairman. The committee conducted an article-by-article review of the text of the draft declaration, during which 168 formal draft resolutions containing amendments to its various articles were submitted. At 1:00 a.m. on December 7, after voting on hundreds of proposed changes, Committee III adopted the revised text of the declaration (now called the Universal Declaration of Human Rights) by a vote of 29 to 0 with 7 abstentions (Belorussian S.S.R., Canada, Czechoslovakia, Poland, Ukrainian S.S.R., U.S.S.R., and Yugoslavia) and transmitted it to the General Assembly. On December 7, the committee rejected a Soviet draft resolution requesting the General Assembly to postpone final adoption of the Universal Declaration until its next session.

December 9–10, 1948. The UN General Assembly, meeting at the Palais de Chaillot in Paris, debated and adopted the Universal Declaration of Human Rights. Representatives of 35 nations presented their views. The Declaration was proclaimed as marking a historic step in the history of mankind, a protest by humanity against oppression, inspired by the highest ideals and an expression of mankind's most noble principles and aspirations. Some of those who spoke saw it as a step toward the establishment of a true international constitution, a landmark of international cooperation, an effective protector of human freedoms. Others praised the document but stressed the need for a covenant to secure compliance. Some noted that the document was a compromise, not perfect, but the most harmonious, comprehensive, and universal declaration on human rights that the human race had so far achieved. They criticized certain provisions, omissions, and lack of specificity in language but supported the document as a whole. A few withheld their support for a variety of reasons, including a Soviet protest that the Declaration violated national sovereignty, but these nations chose not to vote against it.

The General Assembly approved one amendment proposed by the United Kingdom and rejected a Soviet draft resolution proposing that final adoption be postponed until the fourth regular session of the General Assembly in the fall of 1949. After voting article by article on the text, the General Assembly adopted the Universal Declaration of Human Rights (Resolution 217(A)(III)) at 4 minutes to midnight on December 10 by a vote of 48 to 0 with 8 abstentions. Those voting in favor were: Afghanistan, Argentina, Australia, Belgium, Bolivia, Brazil, Burma, Canada, Chile, China, Colombia, Costa Rica, Cuba, Denmark, the Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, France, Greece, Guatemala, Haiti, Iceland, India, Iran, Iraq, Lebanon, Liberia, Luxembourg, Mexico, Netherlands, New Zealand, Nicaragua, Norway, Pakistan, Panama, Paraguay, Peru, Philippines, Siam (Thailand), Sweden, Syria, Turkey, United Kingdom, United States, Uruguay, Venezuela. Those abstaining were: Belorussian S.S.R., Czechoslovakia, Poland, Saudi Arabia, Ukrainian S.S.R., Union of South Africa, U.S.S.R., and Yugoslavia.

Continuing Efforts To Implement the Declaration

Since December 10, 1948, the UN General Assembly has adopted well over 100 other resolutions, covenants, conventions, and protocols, which elaborate on principles contained in the Declaration. These instruments represent an ongoing effort to advance and implement the message contained in the Universal Declaration.

Declarations, which are adopted by the UN General Assembly, constitute recommendations to UN member states. They have moral weight but no legal force. The United States, after careful consideration, has voted in the General Assembly for a number of declarations on many subjects, including religious, sexual, and racial discrimination; torture and other cruel treatment or punishment; and the rights of individuals who are not nationals of the country in which they live.

Covenants, conventions, and protocols, which constitute legally binding international treaties for ratifying parties, involve a much more complex process before entering into force. Following approval of the text by the General Assembly, individual states must initiate their own frequently lengthy ratification processes. Only after a specified number of countries have ratified the treaty, does the covenant, convention, or protocol enter

The UN Commission on Human Rights

The UN Commission on Human Rights is the major UN body to promote and protect human rights. It is one of several specialized Commissions mandated by the UN Charter, and was formally established as a subsidiary body of the Economic and Social Council (ECOSOC) in June 1946. The Commission initially was comprised of 18 UN member states. Its first important task was to draft the international bill of rights.

Since its first plenary session at Lake Success, New York, in January 1947, the Commission on Human Rights has evolved into a body composed of 43 states elected by ECOSOC, from among interested UN members, for 3-year terms. The Commission meets once a year at Geneva for 6 weeks. It deals with all aspects of human rights. It provides overall policy recommendations to the United Nations, studies human rights problems, prepares recommendations for action, drafts UN instruments relating to human rights, and monitors the observance of human rights.

Each year, under ECOSOC resolution 1503, a subcommission of experts meets separately to consider, in strict confidence, thousands of letters from individuals and groups protesting alleged human rights violations. The subcommission also reviews responses obtained from the governments concerned. After hearing from all parties and reviewing the evidence, the subcommission makes recommendations to the Commission. It may recommend, for example, that the Commission authorize an investigation by independent experts, that direct discussions with the government or governments involved be undertaken, that the case be put on the public record, or that the matter be dropped.

Together with these contributions from its subcommission, the UN Human Rights Commission also gains information from public sessions at which governments, nongovernmental organizations, and individuals may present views and evidence concerning human rights. The Commission has the power to adopt resolutions condemning violations of human rights, or to recommend such resolutions for adoption by its parent body, ECOSOC, or by the UN General Assembly. While such resolutions are not legally binding or enforceable, they can subject violating countries to close public scrutiny worldwide.

into force, and then only for those countries which ratified it.

The United States has ratified several of these instruments: the Protocol Amending the Slavery Convention Signed at Geneva on September 25, 1926, with annex (adopted on December 7, 1953, and ratified by the United States on March 7, 1956); the Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery (adopted on September 7, 1956, and ratified by the United States on December 6, 1967); the Protocol Relating to the Status of Refugees (adopted on December 16, 1966, and ratified by the United States on October 4, 1968); the Convention on the Political Rights of Women (adopted on December 20, 1952, and ratified by the United States on July 7, 1976); and the Convention on the Prevention and Punishment of the Crime of Genocide (see sidebar p. 6).

The executive branch of the United States has signed and submitted to the Senate for its advice and consent to ratification the International Covenant on Civil and Political Rights and the International Covenant on Economic and Social Rights (see 1966 Covenants); the International Convention on the Elimination of All Forms of Racial Discrimination (adopted December 21, 1965, and submitted by President Carter to the Senate on February 23, 1978); the Convention on the Elimination of All Forms of Discrimination Against Women (adopted December 18, 1979, and submitted by President Carter to the Senate on November 12, 1980); and the Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (adopted on December 10, 1984, and submitted by President Reagan to the Senate on May 23, 1988). The Senate has not yet acted on these instruments.

Delay in the process of ratifying treaties associated with human rights, however, does not reflect an intention to deny Americans their rights. The Constitution, the Bill of Rights, and other U.S. laws fully protect the rights and freedoms that Americans enjoy.

The 1966 Covenants

The adoption of the Universal Declaration on December 10, 1948, did not diminish the impetus to develop legally binding measures to secure compliance with the principles of the Declaration. That same day, the UN General Assembly passed a resolution requesting the Economic and Social Council to ask the Commission on Human Rights to continue to give priority to preparation of the remaining portions of the projected international bill of human rights—an international covenant, which would be legally binding on ratifying states, and measures of implementation.

In 1952, at the request of the Economic and Social Council and the General Assembly, the Commission agreed to divide its draft covenant into two covenants—one on civil and political rights and the other on economic, social, and cultural rights. The United States had been a strong proponent of two separate covenants on the grounds that the term "rights" was used in a different sense regarding civil and political rights on the one hand and economic, social, and cultural rights on the other. The Commission subsequently produced two draft covenants as well as an optional protocol to the covenant on civil and political rights.

On December 16, 1966, 19 years after submission of the first preliminary drafts of an international bill

of rights to the Commission on Human Rights, the General Assembly adopted the International Covenant on Civil and Political Rights; the Optional Protocol to the International Covenant on Civil and Political Rights; and the International Covenant on Economic, Social and Cultural Rights—three instruments giving legal force to the rights proclaimed in the Universal Declaration of Human Rights. Both covenants were adopted unanimously, while the Optional Protocol to the Covenant on Civil and Political Rights was adopted by a vote of 68 (United States) to 2, with 38 abstentions. Together with the Universal Declaration, these three instruments constitute what the United Nations calls the International Bill of Human Rights.

Following the vote, U.S. Representative to the United Nations Patricia Harris declared that the United States had voted for the three instruments because it believed that "the United Nations must move forward in the field of human rights if it is to fulfill the promise of the Charter to promote and encourage 'respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion.' " Harris noted that this affirmative vote did not express U.S. "agreement with or approval of every part of the covenants."

On October 5, 1977, President Jimmy Carter visited the United Nations and signed the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights on behalf of the United States. President Carter transmitted both covenants to the Senate for ratification on February 23, 1978, declaring that its prompt advice and consent to ratification would "confirm our country's traditional commitment to the promotion and protection of human rights at home and abroad."

The Universal Declaration: A Living Document

The Universal Declaration of Human Rights urges all peoples and all nations to promote respect for the rights it proclaims and to strive for their universal and effective recognition and observance. Immediately after adoption of the Universal Declaration, the United Nations began to develop a many-faceted program for informing people throughout the world that they were entitled to certain rights. The text of the Declaration was translated into numerous languages and publicized through UN publications, posters, films, speakers, radio and television programs, human rights exhibits, and special events. By the end of 1949, the Universal Declaration was available in 19 languages—including the 5 official languages of the United Nations. It is now printed and circulated in more than 70 languages and copies can be found in almost every nation on earth. A miniature copy of the Declaration also is available in the form of a pocket-sized "passport," showing that the individual whose name it bears is entitled to the rights within.

To underscore the importance that the United Nations attached to this document, it decided that the Declaration would be the only other document along with the UN Charter to be deposited in the cornerstone of the UN Headquarters building in New York City. Secretary General Trygve Lie placed these documents in the cornerstone during the dedication ceremony on October 24, 1949. Also, the United Nations, under a practice established by the General Assembly on December 4, 1950, observes Human Rights Day each year on December 10, a special day for disseminating the message of the Declaration to the peoples of the world.

UN Secretary General Javier Perez de Cuellar on December 10, 1987, initiated the 40th anniversary of the adoption of the Universal Declaration by reaffirming the UN commitment to its principles. The United Nations announced that it would put even greater stress on carrying the message of the Universal Declaration to every part of the world during the year-long observance of its 40th anniversary, particularly through expansion of UN information, training, and advisory programs. UN offices organized a series of commemorative events celebrating the 40th anniversary and promoting human rights to be held throughout the year, such as, speeches by the Secretary General and other top UN officials, seminars, panel discussions, briefings, workshops, public meetings, and other special programs—culminating with solemn ceremonies during a special commemorative session of the UN General Assembly on December 8, 1988.

The United States is commemorating the 40th anniversary by holding a conference on human rights at the Department of State on December 8, 1988, which will be attended by representatives of human rights organizations and other individuals active in this area. President Reagan's annual proclamation, announcing U.S. observance of Human Rights Day on December 10, repledges U.S. dedication to the cause of individual freedom and human rights.

Clearly, the Universal Declaration of Human Rights continues to be a living document and the UN slogan honoring its 40th anniversary—"People only live full lives in the light of human rights"—gains more adherents every day.

The President also told the Senate, however, that although "the great majority of the substantive provisions" of the covenants were "entirely consistent" with the letter and spirit of U.S. laws and the Constitution, he had recommended reservations, understandings, or declarations wherever a provision may be in conflict with the U.S. Constitution or laws. These areas included, among others, rights to free speech and property, and the federal character of our government. The President also recommended that the Senate issue a statement of understanding that Articles 1 through 15 of the International Covenant on Economic, Social and Cultural Rights describe goals to be achieved progressively rather than through immediate implementation. The

Senate has not yet given its consent to ratification of the covenants.

The **International Covenant on Civil and Political Rights** affirms such rights as the inherent right to life; liberty of movement; equality before the law; presumption of innocence; freedom of thought, conscience, and religion; freedom of expression; the right of peaceful assembly; freedom of association; and the right to take part in the conduct of public affairs and to vote in genuine, free elections. The covenant declares that no one shall be subjected to cruel, inhuman, or degrading punishment, torture, or arbitrary arrest or detention; and that no one shall be held in slavery or servitude. It prohibits discrimination in enjoyment of these rights on the basis of race, sex, language, religion, opinion, and/or national or social origin. It also established an 18-member Human Rights Committee to consider reports submitted by ratifying states on measures taken to implement its provisions. The International Covenant on Civil and Political Rights entered into force on March 23, 1976—3 months after deposit of the 35th instrument of accession with the UN Secretary General.

The **Optional Protocol of the Covenant on Civil and Political Rights** recognizes the competence of the Human Rights Committee to investigate complaints against states ratifying the protocol by individuals claiming to be victims of violations of the rights set forth by the covenant. The Optional Protocol also entered into force on March 23, 1976—3 months after deposit of the 10th instrument of ratification with the UN Secretary General.

The **International Covenant on Economic, Social and Cultural Rights** proclaims such rights as the right to self-determination, enjoyment of just and favorable conditions of work, an adequate standard of living, the highest attainable standard of physical and mental health, education, participation in cultural life, the benefits of scientific progress, and the right to form trade unions. The covenant prohibits discrimination in enjoyment of these rights based on race, sex, language, religion, opinion, and/or national or social origin. Ratifying states undertake to submit periodic reports to the Economic and Social Council on measures adopted and progress made toward achieving observance of the rights recognized by the covenant. The International Covenant on Economic, Social and Cultural Rights entered into force on January 3, 1976—3 months after deposit of the 35th instrument of ratification with the UN Secretary General. ■

Appendix

Universal Declaration of Human Rights

Resolution 217(A)(III) of
the General Assembly,
December 10, 1948

Preamble

Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Whereas disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind, and the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people,

Whereas it is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law,

Whereas it is essential to promote the development of friendly relations between nations,

Whereas the peoples of the United Nations have in the Charter reaffirmed their faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women and have determined to promote social progress and better standards of life in larger freedom,

Whereas Member States have pledged themselves to achieve, in co-operation with the United Nations, the promotion of universal respect for and observance of human rights and fundamental freedoms,

Whereas a common understanding of these rights and freedoms is of the greatest importance for the full realization of this pledge,

Now, therefore,
The General Assembly,
Proclaims this Universal Declaration of Human Rights as a common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance, both among the peoples of Member States themselves and among the peoples of territories under their jurisdiction.

Article 1

All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.

Article 2

Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty.

Article 3

Everyone has the right to life, liberty and the security of person.

Article 4

No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms.

Article 5

No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

Article 6

Everyone has the right to recognition everywhere as a person before the law.

Article 7

All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.

Article 8

Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law.

Article 9

No one shall be subjected to arbitrary arrest, detention or exile.

Article 10

Everyone is entitled in full equality to a fair and public hear-

ing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him.

Article 11

1. Everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defence.

2. No one shall be held guilty of any penal offence on account of any act or omission which did not constitute a penal offence, under national or international law, at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time the penal offence was committed.

Article 12

No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks.

Article 13

1. Everyone has the right to freedom of movement and residence within the borders of each state.

2. Everyone has the right to leave any country, including his own, and to return to his country.

Article 14

1. Everyone has the right to seek and to enjoy in other countries asylum from persecution.

2. This right may not be invoked in the case of prosecutions genuinely arising from non-political crimes or from acts contrary to the purposes and principles of the United Nations.

Article 15

1. Everyone has the right to a nationality.

2. No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality.

Article 16

1. Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage and at its dissolution.

2. Marriage shall be entered into only with the free and full consent of the intending spouses.

3. The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.

Article 17

1. Everyone has the right to own property alone as well as in association with others.

2. No one shall be arbitrarily deprived of his property.

Article 18

Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.

Article 19

Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

Article 20

1. Everyone has the right to freedom of peaceful assembly and association.

2. No one may be compelled to belong to an association.

Article 21

1. Everyone has the right to take part in the Government of his country, directly or through freely chosen representatives.

2. Everyone has the right of equal access to public service in his country.

3. The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.

Article 22

Everyone, as a member of society, has the right to social security and is entitled to realization, through national effort and international co-operation and in accordance with the organization and resources of each State, of the economic, social and cultural rights indispensable for his dignity and the free development of his personality.

Article 23

1. Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment.

2. Everyone, without any discrimination, has the right to equal pay for equal work.

3. Everyone who works has the right to just and favourable remuneration insuring for himself

and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection.

4. Everyone has the right to form and to join trade unions for the protection of his interests.

Article 24

Everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay.

Article 25

1. Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.

2. Motherhood and childhood are entitled to special care and assistance. All children, whether born in or out of wedlock, shall enjoy the same social protection.

Article 26

1. Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.

2. Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace.

3. Parents have a prior right to choose the kind of education that shall be given to their children.

Article 27

1. Everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits.

2. Everyone has the right to the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author.

Article 28

Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized.

Article 29

1. Everyone has duties to the community in which alone the free and full development of his personality is possible.

2. In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society.

3. These rights and freedoms may in no case be exercised contrary to the purposes and principles of the United Nations.

Article 30

Nothing in this Declaration may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights and freedoms set forth herein.

Hundred and eighty-third plenary meeting, 10 December 1948.

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